

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARLOS VEGA AND
JOSEPH WHITEHEAD,

Plaintiffs,

v.

CITY OF PHILADELPHIA and
LAWRENCE KRASNER,

Defendants.

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CIVIL ACTION

NO. 2:19-cv-04039

**DEFENDANTS CITY OF PHILADELPHIA AND
LAWRENCE KRASNER'S PRETRIAL MEMORANDUM**

I. NATURE OF THE ACTION

Defendant Lawrence S. Krasner was elected as the Philadelphia County District Attorney on November 7, 2017 and took office on January 2, 2018. Mr. Krasner made a number of personnel changes in the first few weeks of his administration, including the termination of 33 employees in the District Attorney's office ("DAO"). Plaintiffs Carlos Vega and Joseph Whitehead were among those whose employment was terminated and who have asserted age discrimination claims under the Age Discrimination in Employment Act ("ADEA") and the Pennsylvania Human Relations Act ("PHRA"). However, there is no evidence that Defendant Krasner's legitimate non-discriminatory reasons for terminating Plaintiffs were false or a pretext for discrimination.

II. COUNTER-STATEMENT OF FACTS

The DAO attorneys are at-will employees who serve at the pleasure of the District Attorney. That gave Mr. Krasner the right to pick his own team. In the first few weeks of

his administration, Mr. Krasner made a number of personnel changes, including the termination 30 attorneys. An additional 13 attorneys were not asked to leave but resigned instead.

In making termination decisions, Mr. Krasner considered his own experiences with and knowledge of individual DAO attorneys and sought input from trusted advisors and colleagues regarding the past conduct, reputations and criminal justice philosophies of many others. Mr. Krasner's overarching goal in making termination and retention decisions (i.e., picking his team) was whether each attorney had the skills, dedication and sense of justice needed to support and promote his progressive vision of criminal justice. Although personnel files were made available, Mr. Krasner did not review them because he did not have confidence that the files contained complete, reliable, or helpful information. Mr. Krasner also did not seek formal input from supervisors in the outgoing administration or talk to those employees he was considering for termination, because he viewed the office as "tribal" and overly "self-protective."

At the time he took office, Mr. Krasner was 56 years old. Nineteen (19) of the 30 attorneys terminated on January 5, 2018 were under the age of 50, including nine (9) attorneys in their thirties and one attorney in her twenties.

Age Bracket	Attorneys Terminated on January 5, 2018
Under 40	10
Between 40 and 49	9
Over 50	11

In his first week in office and over the next 30 days, Mr. Krasner hired fifteen (15) attorneys, including ten (10) attorneys over 40. Four (4) of these new hires were older than

Plaintiffs. In fact, the data shows that the number of attorneys in the office over the age of 40 (not including Mr. Krasner) did not materially change during this period.

Age Bracket	DAO Attorney Count as of Jan. 1, 2018	Jan. 5, 2018 DAO Attorney Terminations	Jan. 2018 Voluntary DAO Attorney Departures	DAO Attorney Hires within 30 days of Jan. 5, 2018	Net Change
Under 40	198	-10	-7	+4	-13
Over 40	98	-20	-5	+10	-15

By the end of July 2018, Mr. Krasner had hired twenty-two (22) attorneys over the age of 40, including the following:

- Nine (9) attorneys that were 64 or older: Hon. Carolyn Temin (83); Richard Glazer (75); Ronald Simon (70); Charles Cunningham (69); Robert Listenbee (69); Paul George (67); Flo Messier (65); Raymond Roberts (64); and Michael Giampietro (64);
- Four (4) attorneys between the ages of 58 and 59: Vincent Corrigan (59); Patricia McKinney (59); Nancy Winkelman (59); Jeffrey Lindy (58); and
- Nine (9) attorneys between the ages of 40 and 54: Anthony Voci (54); Patricia Cummings (51); Crystal Powell (50); Paul Reddel (47); Joseph Green (46); Noel Ann DeSantis (43); Carrie Wood (41); Varghese Kurian (41); and Tracey Tripp (41).

These attorneys took on a variety of roles in the new administration, ranging from policy-level and supervisory roles to staff attorney unit assignments, including the major trial unit, the special investigations unit, the waiver unit, the conviction integrity unit, the pre-trial unit, and the juvenile unit.

Plaintiff Carlos Vega

Plaintiff Carlos Vega, an attorney in the Homicide Unit, was one of the 30 DAO attorneys whose employment was terminated on January 5, 2018. At the time of his termination, he was 61 years old (five years older than Mr. Krasner).

Mr. Krasner has known Mr. Vega for over thirty years, and recently had tried the *Scott/Muhammed* case to verdict against him. Mr. Krasner's negative opinions regarding Mr. Vega's ethics and trustworthiness were established during the *Scott/Muhammed* case, and formed the basis for his decision to terminate Mr. Vega.

The *Scott/Muhammed* case was a "gut-wrenching" capital homicide case that went to trial, after five years of litigation, in December 2016. Mr. Krasner represented Ibrahim Muhammed with co-counsel Anthony Voci. Mr. Vega's conduct that Mr. Krasner deemed unacceptable included:

- ***Mr. Vega's abusive behavior during pretrial discovery.*** Mr. Krasner testified that Mr. Vega behaved in a petty, abusive, and disrespectful way to him and his staff during pretrial discovery and made it very difficult to obtain copies of discovery materials.
- ***Mr. Vega's contacts with defense witnesses during trial and his misrepresentations to the Court regarding those witness contacts.*** Mr. Krasner testified that Mr. Vega lied to him and the Court about his interviews with defense witnesses Amber Creamer and Jajal Aljuwaie in the corridor outside the courtroom, during which, according to Mr. Vega, they suddenly became able to identify the defendant. In addition, Mr. Vega told those defense witnesses that they could leave before testifying.

- *Mr. Vega's attempt to renege on a prior agreement regarding witness identification testimony and to "ambush" the defense at trial.* At trial, Mr. Krasner told the court that Mr. Vega's proposed witness identification testimony was the "typical ambush we've had the entire trial" and that Mr. Vega was reneging on his prior agreement not to present identification testimony.
- *The late disclosure of mitigation evidence in the death penalty phase.* Mr. Krasner testified that the prosecution did not turn over critical mitigation evidence until the very end of trial and "far too late for us to give them to our experts to be adequately prepared to testify."

The transcript of the *Scott/Muhammed* trial confirms Mr. Krasner's testimony and includes his co-counsel Mr. Voci's argument to the Court in the *Scott/Muhammed* case demonstrating the dishonesty of Mr. Vega's representation that detectives were with him when he spoke with two defense witnesses.

Mr. Vega does not deny that the *Scott/Muhammed* trial was contentious. He does not believe that he acted unethically during the litigation. Rather, during his deposition, he criticized Mr. Krasner's performance during the trial, questioning his legal aptitude. Most importantly, Mr. Vega admits that Mr. Krasner terminated his employment due to Mr. Vega's conduct during the *Scott/Muhammed* trial. In an unrelated civil claim brought by Carlos Vega against Mr. Krasner's political campaign, Mr. Vega made sworn factual allegations that Mr. Krasner never got over losing to Mr. Vega in the *Scott/Muhammed* trial, Mr. Krasner swore to get revenge against Mr. Vega, and that Mr. Krasner's long-standing malice and resentment of Mr. Vega caused Mr.

Krasner to terminate Mr. Vega's employment in the first week after Mr. Krasner became District Attorney.¹

Mr. Voci has also testified regarding Mr. Vega's conduct during the *Scott/Muhammed* trial and stated his view that Mr. Vega's conduct was unacceptable and unethical.² "A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. And Mr. Vega's conduct throughout the course of the Commonwealth versus Ibrahim Muhammad and Scott violated the spirit and the letter of Rule 3.8 in a very significant way. It was the antithesis of what Rule 3.8 requires of a prosecutor."

Jack McMahon, who represented the co-defendant Nalik Scott, also testified that he was outraged by Mr. Vega's "disgraceful" conduct in the *Scott/Muhammed* trial. He stated that "all the way through the trial" he believed that Mr. Vega was "playing fast and loose with the rules" and that Mr. Vega's conduct was particularly disturbing in a death penalty case. Notably, when Mr. McMahon read in the newspaper that Mr. Vega had sued Mr. Krasner and the City of Philadelphia for age discrimination in 2019, Mr. McMahon sent Mr. Krasner a text which read: "What he did

¹ On May 14, 2021, Mr. Vega filed a Complaint against Shaun King, Real Justice PAC, and Lawrence Krasner for DA, a political campaign organization, alleging false light and civil conspiracy claims. Discovery in that case is ongoing, and defendants deny liability on all claims. *See Vega v. King, et al.*, Philadelphia Court of Common Pleas, Case No. 210500305.

² Mr. Vega's counsel objected to Mr. Voci's testimony regarding Mr. Vega's conduct during the *Scott-Muhammed* trial at Mr. Voci's October 30, 2020 deposition on the grounds of "surprise." The facts relating to Mr. Vega's conduct at the *Scott/Muhammed* trial were covered extensively in Mr. Krasner's September 16, 2020 deposition, Mr. Vega's October 15, 2020 deposition and Mr. McMahon's October 22, 2020 deposition. Indeed, Mr. Voci's statements to Judge Bronson in the *Scott/Muhammed* had already been covered in detail at Mr. McMahon's October 22, 2020 deposition during which Mr. Vega's counsel specifically acknowledged that "Mr. Voci made the statements." Although Defendants' Rule 701 Disclosures had inadvertently omitted Mr. Voci from the list of lay opinion witnesses regarding Mr. Vega (which was immediately corrected), Mr. Vega's counsel was well aware of Mr. Voci's role in the *Scott/Muhammed* trial and had a full and fair opportunity to question Mr. Voci at the October 30, 2020 deposition.

to us in Scott / Mohammad was a disgrace. Plus, he lied directly to the court. Knowing directly the methods of Carlos it would have been a dereliction of duty to keep him.”

Michael Giampietro is a Philadelphia attorney whose opinion is valued by Mr. Krasner. Mr. Krasner consulted with him regarding individual DAO attorneys prior to the January 5, 2018 terminations. Mr. Giampietro testified during his deposition that he was aware that Mr. Krasner had had “a very negative experience with Carlos in a case involving him and Jack McMahon.”

Plaintiff Joseph Whitehead

Plaintiff Joseph Whitehead was one of the 30 DAO attorneys terminated on January 5, 2018. At the time of his termination, he was 64 years old. He had numerous assignments over the course of his tenure in the DAO. He joined the Homicide Unit in November 2014, but by 2016 was assigned to devote most of his time to the resentencing of juvenile lifers under the terms of *Miller v. Alabama*.

Over the years, Mr. Krasner formed a negative view of Mr. Whitehead’s prosecutorial judgment based on his own experiences and Mr. Whitehead’s reputation in the criminal justice community. “I [] kn[e]w him to be extreme in his approach to prosecution. And what I mean by that is extreme in wanting the highest charge, extreme in wanting the longest sentence, extreme in trying to make sure that no one ever got a break. Kind of an incapacity to separate the wheat from the chaff.” From Mr. Krasner’s perspective, Mr. Whitehead had a “profoundly different philosophy” that was entirely inconsistent with what Mr. Krasner was trying to do in the office.

Mr. Giampietro testified that he discussed Mr. Whitehead with Mr. Krasner prior to the January 5, 2018 employment terminations and that he told Mr. Krasner: “I wouldn’t keep him.” Mr. Giampietro also described several personal experiences with Mr. Whitehead’s which, in his opinion, demonstrated rigidity and lack of judgment.

In addition, Brian Zarallo, Mr. Whitehead's supervisor and a member of the juvenile resentencing committee in 2017 freely acknowledged that Mr. Whitehead had a reputation for seeking "heavier" sentences under that prior administration's sentencing standards.

Mr. Whitehead's extreme mindset is demonstrated in juvenile resentencing memoranda he prepared in October/November 2017. Although Mr. Krasner did not have access to these memoranda when he made the decision to terminate Mr. Whitehead, Mr. Whitehead's sentencing recommendations confirm Mr. Whitehead's reputation for seeking heavy sentences and validate Mr. Krasner's opinions regarding Mr. Whitehead's prosecutorial judgment.

- Mr. Giampietro, who participates in the juvenile resentencing committee in the Krasner administration, testified that he observed further evidence of Mr. Whitehead's rigidity and lack of judgment in his juvenile resentencing work, commenting that Mr. Whitehead's sentencing recommendations were "just obscene."
- Mr. Whitehead's juvenile resentencing recommendations were not only materially longer than the Krasner administration ultimately recommended, but also materially longer than even the prior administration was willing to accept. By way of example, in October 2017, Mr. Whitehead prepared a resentencing memorandum for a juvenile lifer (age 14 when charged), recommending a sentence of 60 years to life. The sentencing recommendation approved in the prior administration was **20 years lower** (40 years to life). The sentencing recommendation approved in the Krasner administration **was 38 years lower** (22 years to life).

- Robert Listenbee, one of Mr. Krasner’s First Assistants and a nationally-recognized juvenile justice attorney, is a member of the juvenile resentencing committee in Mr. Krasner’s administration. Mr. Listenbee testified that he reviewed sentencing memoranda prepared by Mr. Whitehead and that some of Mr. Whitehead’s recommendations were “harsh” and “cruel” and did not properly take into account the factors mandated by the United States Supreme Court such as adolescent development.

Mr. Krasner’s Public Statements Regarding Institutional Change

In the absence of any actual evidence of age bias, Plaintiffs rely on certain public statements by Mr. Krasner to demonstrate that he “has a strong bias against and stereotypical views of older Prosecutors” and an “unwavering preference and affinity for young Prosecutors.” Plaintiffs identified articles and interviews which they assert support their sweeping and unsupported conclusions about Mr. Krasner.

In their Complaint, Plaintiffs quote snippets from an interview of Mr. Krasner, which was conducted before he won the primary and published in the Intercept on May 16, 2017, highlighting certain language. The language quoted in the Complaint omits a more extended discussion that includes Mr. Krasner’s statement that the office ***“already contains the dissent, meaning people who have been there for years but might have been frustrated for years. I know some of these folks because some of them would call me and tell me what they knew about corrupt cops, but couldn’t do anything about it from the inside. Those people need to stay, and in supervisor positions, because they represent the kind of change that should come.”*** Mr. Krasner’s full answer, with the language omitted by Plaintiffs reads:

If you have a truly progressive DA, there's going to be a certain portion of the DA's office who can't stand the idea of change. They're going to leave. There are other people who are going to be made to leave because you cannot bring about real change and leave people in place who are going to fight change every step of the way. The ones who will leave will tend to be my generation, people who started in this business 30 years ago, which means they'll also tend to be white and male. That results in more openings, opportunities for greater diversity, and if we are to judge by what's happened in other jurisdictions, the office will become a tremendous magnet for new talent, because there are a ton of people who are either coming out of law school or who are mid-career who would love to work in a truly progressive DA's office but haven't been able to find any.

That means you have really committed, dedicated, talented people who are coming into an organization that already contains the dissent, meaning people who have been there for years but might have been frustrated for years. I know some of these folks because some of them would call me and tell me what they knew about corrupt cops, but couldn't do anything about it from the inside. Those people need to stay, and in supervisor positions, because they represent the kind of change that should come. And there are a lot of just malleable, mostly younger attorneys who did what they were told, and always wanted to do the right thing, and with proper training will do the right thing. I think real cultural change is possible.

Mr. Krasner testified he was discussing the challenges of effecting institutional change in his public statements and that he wanted the office to be a “destination for all talent,” regardless of chronological age, who wanted to see reforms in the criminal justice system. Specifically, he stated:

The reality is that what you have had in the Philadelphia DA's office for my entire career is you have had a particular philosophy. And when you have that particular philosophy, which is the same philosophy that has made this country the most incarcerated county in the world, and in many ways has torn apart all of the different things that we try to do to prevent crime, when you have that philosophy it hires people who share that philosophy. It trains people to follow that. It advances people who follow it. It turns into supervisors who follow it. And unfortunately it is a recipe for things to become more and more tribal. That is what happened in that office.

Mr. Krasner further testified that his desire to disrupt the DAO's institutional culture did not reflect a preference for younger attorneys, and that he sought out and hired mid- to late-career and retirement-age attorneys who shared his criminal justice philosophy including Judge Carolyn Engle Temin (83 years old) and Bob Listenbee (69 years old) who serve as his First Assistants and many others, including: Richard Glazer (75); Ronald Simon (70); Charles Cunningham (69); Robert Listenbee (69); Paul George (67); Flo Messier (65); Raymond Roberts (64); Michael Giampietro (64); Vincent Corrigan (59); Patricia McKinney (59); Nancy Winkelman (59); Jeffrey Lindy (58); Anthony Voci (54); Patricia Cummings (51); Crystal Powell (50); Paul Reddel (47); Joseph Green (46); Noel Ann DeSantis (43); Carrie Wood (41); Varghese Kurian (41); and Tracey Tripp (41). Mr. Krasner further explained:

When I hired Carolyn [Engel] Temin who was well past a mandatory retirement age as a judge after having been a prosecutor, a public defender, a judge, an international human rights judge, I was hiring someone at 83 years of age who very clearly is not brand new and who is progressive. Same thing when I hired Bob Listenbee, Barack Obama's head of juvenile justice for the United States of America at an age that was close to 70. The same is true when I asked Chip Junod, who had been [in] this office, the DA's office for many years, to come back to the DA's office from other employment. And he was considerably older than me and has now retired. The same thing when I asked Guy Garant, who was in the office for many years, [and] had already retired. And I asked Mr. Garant who is around my age or a bit older, I asked him to come back. He didn't do it only because basically his, he would be working for free giv[en] the situation with his pension. I have repeatedly, repeatedly asked people who are not, quote, young, unquote, to come into this office. I have attracted many of them. Our Chief of the Conviction Integrity Unit was hired from Austin, Texas at about 50 years of age, one of many, many, many examples. Giampietro is a senior person. You know, it is not typical that senior people in prosecution, because of the culture, because of the legislation that was passed, it is not typical that they have progressive views. But it is a fact that there are many senior people who have exactly what we are looking for. And it's not just that we say we would hire them, we have hired them.

Plaintiffs also present out-of-context portions of their own transcriptions of an October 7, 2017 radio interview in which Mr. Krasner used the term “old guard”:

[T]here is no question that the old guard in that [DA's] office is in control and the old guard in that office is not desiring change at all. In fact, one of them went out of his way to say that 'there is nothing wrong with this ship, the ship does not need to be righted and we do not need an outsider telling us what to do.' Well that crowd needs to go.

They need to get out of the way and let people who are ex-Prosecutors who have been on the other side, let people who have a real moral compass about justice and, you know, let people who are sophisticated and modern and understanding of the mistakes that have been made in the last fifty years. Let them run the show. And if we can really do that, then I think there are those Prosecutors who are open to those ideas and that vision then there are new Prosecutors who are going to be coming mid-career or straight out of law school.

There is an old guard there [in the DA's Office] who actually thinks Lynne Abraham for 19 years was doing the right thing when frankly, she almost never did the right thing at all. You know, there's that crew, they're very loyal to a particular way of doing things. Which is very authoritarian, very unscientific, very political and they are not only going to resist, they are you might say in the throes of trying to resist even now. Those folks got to go. I mean some of them are leaving already which is a good choice and some of them are going to go.

So, yes, there will be turnover . . . and people whose vision is incompatible with the progressive vision of the next District Attorney in Philadelphia, and I hope that person will be me . . . I mean they will be well-served to find another place to work.

The language misleadingly quoted in the Complaint omits the context in which the comments were made:

There are a lot of prosecutors, especially these days, who I think are really fair minded people who absolutely want to do the right thing and have always wanted that in a way that is, you know, directed towards justice and equality and sees the bigger picture, but there is

no question that the old guard in that office is in control and the old guard in that office is not desiring change at all.

...

Well that crowd needs to go. They need to get out of the way *and let people who are ex prosecutors who have been on the other side, let people who have a real moral compass about justice* and, you know, let people who are sophisticated and modern and understanding of the mistakes that have been made in the last fifty years. Let them run the show. And if we can really do that, then *I think there are those prosecutors who are open to those ideas* and that vision, then there are new prosecutors who are going to be coming mid-career or straight out of law school who have heard the phrase “mass incarceration” who take seriously the idea of crime prevent as opposed to the DA’s office being a political springboard.

...

As I said, I think there is an old guard, *it certainly isn’t [] everyone above a certain age, that’s not the case []*, but [there] is an old guard there.

Moreover, Mr. Krasner testified that his use of the term “old guard” in this and other interviews has nothing to do with chronological age.

Q: When you said the old guard needs to go, what did you mean?

A: The reference [is] to the French revolution. Are you not aware of it? Have you looked up what old guard means? It means entrenched . . . It means the entrenched people who have been in control and who are resistant to change. The old guard, Napoleon’s guard, were not necessarily old, they were soldiers. In fact, they were rather vigorous soldiers and had to be of a fairly reasonable age in order to fight. That is what old guard refers to. It refers to the people who come from an older philosophy who are in control. They might be senior. They might be young. But either way they are [adherents] to a philosophy and they are unwilling to change.

[W]hen you have any organization that has taken power and that entrenches that power over a period of time there will be some people among them who are older. But it is a question of philosophy. It’s not in and of itself just a question of age. As you see cultural shift, as you see a move, for example, from racial segregation in the south to the beginnings of racial integration in the south to more general integration in the south to new attitudes about race, what you are seeing are generational shifts. There are young white supremacists right now who want to go back and refight the Civil War.

They're called the Boogaloo Boys. They are old guard. They might be 16 years old but they are old guard.

Mr. Krasner testified that he is committed to retaining and recruiting attorneys, regardless of age, who are committed to criminal justice reform. He has hired numerous people who are older from the outside and fired people who are younger. Mr. Krasner testified that he wants the office "to be a destination for all talent." He further explained that "if you are going to try to change culture then what you have to do is you have to bring in people who have different life experiences who have different perspectives."

III. MONETARY DAMAGES

See Plaintiffs' Memorandum. Defendants dispute that punitive damages are available.

IV. WITNESSES

1. District Attorney Lawrence Krasner
3 S. Penn Square, Philadelphia, PA
Liability
2. Cecilia Madden³
3 S. Penn Square, Philadelphia, PA
Liability
3. Rachel Mitchell
Address to be supplied
Liability
4. Arun Prabhakaran
1207 Chestnut Street, Philadelphia, PA
Liability
5. Shamika Taliaferro, BBA, MPA (or other Board of Pensions representative)
2 Penn Plaza, 16th Floor, Philadelphia, PA
Damages
6. Jack McMahon, Esquire
139 N. Crosby Street, Philadelphia, PA
Liability

³ Rachel Mitchell retired from the District Attorney's office. Cecilia Madden can testify to the statistics and demographics of the Office.

7. Michael Giampietro, Esquire
3 S. Penn Square, Philadelphia, PA
Liability
8. Chief Deputy Attorney General Brian Zarallo
1600 Arch Street, #300, Philadelphia, PA
Liability
9. Assistant District Attorney Chesley Lightsey
3 Penn Square, Philadelphia, PA
Liability
10. Assistant District Attorney Anthony Voci
3 Penn Square, Philadelphia, PA
Liability
11. Jody Dodd
3 Penn Square, Philadelphia, PA
Liability
12. First Deputy District Attorney Robert Listenbee
3 Penn Square, Philadelphia, PA
Liability
13. Dustin Slaughter
Philadelphia, PA
Liability

Defendants reserve the right to call any witness identified by Plaintiffs and any rebuttal witnesses that may become necessary at trial.

V. EXHIBITS

See Defendant's exhibit list attached as Exhibit A. The list below does not include exhibits or documents that the City of Philadelphia may use for cross-examination, impeachment, rebuttal, or as demonstrative exhibits. The City of Philadelphia reserves the right to identify documents and exhibits for those purposes at a later time. The City of Philadelphia also reserves the right to use as an exhibit any document listed on Plaintiff's exhibit list. Additionally, for purposes of cross-examination and rebuttal, the City of Philadelphia reserves

the right to use any document submitted to plaintiffs' expert witnesses, and any document produced in this case.

VI. ESTIMATED TIME OF TRIAL

5-7 Days.

VII. STIPULATIONS OF COUNSEL

None at this time.

VIII. OBJECTIONS TO EXHIBITS AND EVIDENCE

See Defendant's objections to Plaintiff's exhibit list at **Exhibit B**. Pursuant to the Court's policies and procedures, Defendant has not identified its objections on the basis of relevance pursuant to F.R. E. 401.

Defendants also assert the following objections to the admissibility of evidence expected to be offered:

- Defendant objects to the introduction of transcripts or partial transcripts of interviews or prepared by unknown individuals. (Authenticity, F.R.E. 901, 106)
- Defendant objects to the introduction of the bar passage rates of any DAO new hires as they may be viewed as prejudicial and are not probative of any matter at issue in this case. (F.R.E. 403)
- Defendant objects to the introduction of evidence about alleged incidents that occurred after Mr. Krasner's January 2018 personnel decisions, including those involving Dana Bazelon, Anthony Voci, and Movita Johnson-Harrell as they are highly prejudicial and not probative of any matter at issue in this case. (F.R.E. 403)
- Defendant objects to the introduction of evidence, by documents or third party testimony, regarding commendations for Plaintiffs' on-the-job performance. (F.R.E. 403)

- Defendant objects to Plaintiffs' unrealistic witness list, which does not provide Defendant with sufficient notice as to the witnesses Plaintiffs genuinely intend to call to testify at trial. For any witness who has not testified at a deposition for this case, Defendants request that Plaintiff provide an offer of proof as to each witness's relevant and admissible testimony.

- Defendant objects to plaintiff's designation of the following witnesses to testify to liability: Carlos Vega (to the extent he is testifying to liability on Mr. Whitehead's claims), Joseph Whitehead (to the extent he is testifying to liability on Mr. Vega's claims), Mark Gilson, E. Marc Costanzo, Michelle Seidner (F.R.E. 403)

1. Deposition testimony (including videotaped depositions) to be offered during a party's case-in-chief (with citations to the page and line number), including the opposing party's counter-designations.

The parties are not presently aware of any witnesses who will be unavailable to testify at trial, necessitating the offering of deposition testimony. If a witness is unavailable to testify, or if the parties want to offer any deposition testimony into evidence, Defendants join in Plaintiffs proposal that the parties either take a trial deposition or work together to prepare the necessary deposition transcript designations.

IX. OTHER MATTERS

None at this time.

Respectfully submitted,

/s/ Lisa Swiatek

Lisa A. Swiatek, Esquire
City of Philadelphia Law Department
Labor and Employment Unit
1515 Arch Street, 16th Floor
Philadelphia, PA 19102

Counsel for City of Philadelphia

and

/s/ David Smith

David Smith, Esquire
Anne Kane, Esquire
Samantha Banks, Esquire
Schnader Harrison Segal & Lewis LLP
1600 Market Street, Suite 3600
Philadelphia, PA 191013

Counsel for Lawrence Krasner

January 25, 2022

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARLOS VEGA	:	
and	:	
JOSEPH WHITEHEAD,	:	CIVIL ACTION
Plaintiffs,	:	
v.	:	No. 2:19-cv-04039
	:	
CITY OF PHILADELPHIA AND	:	
LAWRENCE KRASNER,	:	
Defendants.	:	
	:	

**DEFENDANTS, THE CITY OF PHILADELPHIA AND LAWRENCE KRASNER'S
JOINT EXHIBIT LIST**

Defendants, the City of Philadelphia and Lawrence Krasner, hereby exchange their joint exhibit list pursuant to the Court's October 13, 2021 Amended Scheduling Order. The list below does not include exhibits or documents that Defendants may use for cross-examination, impeachment, rebuttal, or as demonstrative exhibits. Defendants reserve the right to identify documents and exhibits for those purposes at a later time. Defendants also reserve the right to use as an exhibit any document listed on Plaintiffs' exhibit list(s). Additionally, for purposes of cross-examination and rebuttal, Defendants reserve the right to use any document submitted to plaintiffs' expert witnesses, and any document produced in this case.

<u>Trial Ex#</u>	<u>Bates Range</u>	<u>Ex. #</u>	<u>Description</u>
D1			Complaint
D2			Answer
D3			Plaintiff Vega's Response to Defendants' Interrogatories
D4			Plaintiff Vega's Supplemental Response to Defendants' Interrogatories

<u>Trial Ex#</u>	<u>Bates Range</u>	<u>Ex. #</u>	<u>Description</u>
D5			Plaintiff Vega's Second Supplemental Response to Defendants' Interrogatories
D6			Plaintiff Vega's Production Pursuant to the Pilot Program
D7			Plaintiff Vega's Response to Defendants' Request for Production of Documents
D8			Plaintiff Whitehead's Response to Defendants' Interrogatories
D9			Plaintiff Whitehead's Response to Defendants' Request for Production of Documents
D10			Plaintiff Whitehead's Production Pursuant to the Pilot Program Initial Discovery Protocols for Employment Cases Alleging Adverse Action
D11			Plaintiff Whitehead's Amended Responses to his Production Pursuant to the Pilot Program Initial Discovery Protocols for Employment Cases Alleging Adverse Action
D12			Plaintiff's Supplemental Responses to Interrogatories and Supplemental Disclosure of Potential Lay Witness Opinion Testimony
D13			Defendants Lawrence Krasner and City of Philadelphia's Response to Plaintiff Vega's Interrogatories
D14			Defendants Lawrence Krasner and City of Philadelphia's Responses to Plaintiff Vega's Interrogatories
D15			Defendants Lawrence Krasner and City of Philadelphia's Responses to Plaintiff Vega's Request for Production of Documents
D16			Defendant Lawrence Krasner and City of Philadelphia's Response to Plaintiff Vega's Second Interrogatories
D17			Defendants Lawrence Krasner and City of Philadelphia's Production and Amended Production Pursuant to the Pilot Program Initial Discovery Protocols for Employment Cases Alleging Adverse Action

<u>Trial Ex#</u>	<u>Bates Range</u>	<u>Ex. #</u>	<u>Description</u>
D18			Defendants' First Production Pursuant to Court's Feb. 20, 2020 Order show Homicide Staff in 2018
D19	CITY0001-36		Whitehead personnel file
D20	CITY0037-152		Vega personnel file
D21	CITY0153-172		Vega: Respondents' Answer to PHRC Complaint, Position Statement, and Krasner Verified Statement
D22	CITY0173-191		Whitehead: Respondents' Answer to PHRC Complaint, Position Statement, and Krasner Verified Statement
D23	CITY0192-376		Policy Manual
D24	CITY0378-398	Whitehead- 5, 6, 9	Whitehead: pension docs
D25	CITY0399-412		Vega: pension docs
D26	CITY0413-414	Mitchell-3; Prabhakaran-2	Jan. 5, 2018 Memo re separations
D27	CITY0415-416		Chart of separated employees
D28	CITY0417-419		Vega: employment and salary history
D29	CITY0420-422		Whitehead: employment and salary history
D30	CITY0423-447		Draft letter and spreadsheets identifying separated employees (redacted)
D31	CITY0448-462		Spreadsheet summarizing attorney positions and salaries
D32	CITY0463-521		Spreadsheet summarizing attorney positions and salaries
D33	CITY0568-569		Email from A. Prabhakaran to J. Rush dated 12/14/17
D34	CITY0570-571		Email from A. Prabhakaran to J. Dodd and K. Rosenthal dated 12/14/17
D35	CITY0572-574		Email from J. Dodd to K. Rosenthal dated 12/15/17

<u>Trial Ex#</u>	<u>Bates Range</u>	<u>Ex. #</u>	<u>Description</u>
D36	CITY0575-577		Email from J. Dodd to K. Rosenthal dated 12/15/17
D37	CITY0578-700		Vega Internal Files
D38	CITY0701		Whitehead Internal File
D39	CITY_LK_0001-2		Emails between Krasner and A. Prabhakaran (Redacted)
D40	City_LK_0006	McMahon-1	Text messages with Krasner
D41	Whitehead001-10	Mitchell-9; Vega-20	Article “Meet Philadelphia’s Progressive Candidate for DA: An interview with Larry Krasner”
D42	Whitehead011-20		Article “Philadelphia DA wants to Dismantle Mass Incarceration from the Inside Out”
D43	Whitehead025-26		R. Mitchell letter dated 1/10/2018
D44	Whitehead027		Paycheck dated 2/2/2018
D45	Whitehead028-29		Pension and DROP docs
D46	Whitehead030-31	Whitehead-7	Nov. 9, 2017 Krasner letter to DAO staff
D47	Whitehead032-39		2015 Payroll and pension records
D48	Whitehead040-82		Whitehead PHRC Complaint, completed questionnaire and attorney’s transmittal letters
D49	Whitehead080-137	Mitchell-11 (in part); Whitehead-4 (in part)	Whitehead’s Rebuttal to Defendants’ Answer to Whitehead’s PHRC Complaint with exhibits dated 4/5/2019
D50	Whitehead138-154		Plan 87 pamphlet
D51	Whitehead155-174		Pensions 101 presentation materials dated 12/14/2017
D52	Whitehead175-176	Whitehead-3	Joseph Whitehead, Jr. Resume
D53	Whitehead177		Email from Whitehead to Tulante dated 1/18/2018
D54	Whitehead178		Email from Whitehead to Ross dated 1/8/2018

<u>Trial Ex#</u>	<u>Bates Range</u>	<u>Ex. #</u>	<u>Description</u>
D55	Whitehead181-195		Whitehead letter dated 12/18/2019 and 12/19/2019
D56	Whitehead196-200	MSJ Ex. 10 (in part)	Performance Appraisals of Whitehead dated 5/14/2009 and 5/11/2017
D57	P-Whitehead 210-288		Records re. juvenile lifers records
D58	P-Whitehead-000356-357	Vega-19	Article - DA announces shakeup
D59	P-Whitehead-000369-371		Article - Krasner Unveils New DA's Office Leadership Structure
D60	PV000001		Emails between Vega and R. Mitchell dated 1/15/2016
D61	PV000002-5		Vega's DROP application and acceptance
D62	PV000006-8		R. Mitchell email to Vega dated 1/9/2018
D63	PV000009-13		Pension materials and paystub
D64	PV000014-33		Vega PHRC Complaint, completed questionnaire and attorney's transmittal letters
D65	PV000034-86	Vega-21 (in part)	Vega Rebuttal to Defendants' Answer to Whitehead's PHRC Complaint with exhibits dated 4/5/2019
D66	PV000089-90	Vega-2	Vega resumes
D67	PV000091-107	Vega-4, 5, 7, 8, 9, 10, 11, 13, 14, 15, 17	Vega's letters and emails and responses
D68	PV-000141-145	Vega-6, 12, 16, 18	Vega's letter dated 1/17/2020
D69	PV-000237-238		Announcement from A. Prabhakaran issued in January 2018
D70		Whitehead-1 and -2	Anderson resentencing materials
D71		Vega – 1; McMahon -2 and 3	Commonwealth v. Muhammed and Commonwealth v. Scott trial transcripts
D72		P Krasner-1	Defendant Lawrence Krasner's Responses to Plaintiff's Interrogatories (Set One)
D73	PM-00073-79	Mitchell-4	Chart prepared by R. Mitchell; discovery disclosures

<u>Trial Ex#</u>	<u>Bates Range</u>	<u>Ex. #</u>	<u>Description</u>
D74	City0116-123	Mitchell-7	Philadelphia District Attorney's Office Anti-Harassment Policy 2018
D75	City0334-338	Mitchell-8	List of 2016 Holidays and Anti-Harassment Policy
D76		MSJ Ex. 4	Michael Giampietro deposition transcript
D77		MSJ Ex. 2 and 3	Lawrence Krasner deposition transcripts
D78			Robert Listenbee deposition transcript
D79		MSJ Ex. 7	Jack McMahon deposition transcript
D80		MSJ Ex. 6	Rachel Mitchell deposition transcript
D81		MSJ Ex. 5	Arun Prabhakaran deposition transcript
D82			Carlos Vega deposition transcript
D83			Anthony Voci deposition transcript
D84			Joseph Whitehead deposition transcript
D85			Jennifer Silber deposition transcript
D86		MSJ Ex. 9	Brian Zarallo deposition transcript
D87		MSJ Ex. 1	R. Mitchell declaration with exhibits
D88		MSJ Ex. 11	C. Lightsey declaration with exhibits
D89		MSJ Ex. 8	Jan. 13, 2018 Article, " <i>DA Krasner Promised Change. His First Full Week Showed He meant it.</i> "
D90			Krasner Campaign Platform as of May 16, 2017, created using the Wayback Machine
D91			Krasner Campaign Platform as of Oct. 13, 2017, created using the Wayback Machine
D92			Krasner Campaign Platform as of Dec. 12, 2017, created using the Wayback Machine
D93			Feb. 29, 2016 Inquirer Article: " <i>D.A. Takes Another Shot at Overturned Murder Conviction from 1993</i> "
D94			March 2, 2015 Rolling Stone Article (with update): " <i>The Trials of Tony Wright: How DNA Exonerated Convicted Murderer</i> "
D95			Aug. 12, 2016 Inquirer Article: "Witness Recants in Nicetown Retrial"

<u>Trial Ex#</u>	<u>Bates Range</u>	<u>Ex. #</u>	<u>Description</u>
D96			August 23, 2016: Inquirer Article " <i>25 Years Later, Freed by DNA Evidence: it's the Greatest Day of My Life</i> "
D97			August 29, 2016 Rolling Stone Article: " <i>Finally Free: Inside Tony Wright's Murder Exoneration</i> "
D98			Complaint, <i>Vega v. King</i> , Philadelphia Court of Common Pleas Case No. 210500305

EXHIBIT B

Defendants' Objections to Plaintiffs' Exhibit List

No.	Description	Date	Bates	Objection
P-1	Article published in The Intercept: "Meet Philadelphia's Progressive Candidate for DA: An Interview with Larry Krasner"	5/16/2017	LEVIN 161-170 (Mitchell-9)	Authenticity F.R.E 106, to the extent Plaintiffs seeks to introduce only a portion of the article. F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time. Hearsay
P-2	Transcription of excerpts of interview given by Defendant Krasner to Jacobin Radio	10/7/2017	WHITEHEAD 110-111 (Mitchell-11)	Authenticity: Defendants objects to the introduction of transcripts or partial transcripts of interviews prepared by unknown individuals. F.R.E 106, to the extent Plaintiffs seeks to introduce only a portion of the interview. Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time

Defendants' Objections to Plaintiffs' Exhibit List

P-3	Link to audio recording of interview given by Defendant Krasner to Jacobin Radio	10/7/2017		<p>Authenticity and F.R.E 106, to the extent Plaintiffs seeks to introduce only a portion of the interview.</p> <p>Hearsay</p> <p>F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time</p>
P-4	Transcription of excerpts of interview given by Defendant Krasner to WHYY radio	10/24/2017	WHITEHEAD 113-114 (Mitchell-11)	<p>Authenticity: Defendants object to the introduction of transcripts or partial transcripts of interviews prepared by unknown individuals.</p> <p>F.R.E 106, to the extent Plaintiffs seeks to introduce only a portion of the interview.</p> <p>Hearsay</p> <p>F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time</p>
P-5	Link to audio recording of interview given by Defendant Krasner to WHYY radio	10/24/2017		<p>Authenticity and F.R.E 106, to the extent Plaintiffs seeks to introduce</p>

Defendants' Objections to Plaintiffs' Exhibit List

				only a portion of the interview. Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-6	Link to audio recording of interview given by Defendant Krasner to WURD radio	10/24/2017		Authenticity and F.R.E 106, to the extent Plaintiffs seeks to introduce only a portion of the interview. Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-7	Article published by WBUR "Here & Now": "Philadelphia DA Wants to Dismantle Mass Incarceration from the Inside Out"	4/18/2018	WHITEHEAD 011-020	Authenticity and F.R.E 106, to the extent Plaintiffs seeks to introduce only a portion of the article Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-8	Link to audio recording of interview given by Defendant Krasner to WBUR radio	4/18/2018		Authenticity and F.R.E 106, to the extent Plaintiffs

Defendants' Objections to Plaintiffs' Exhibit List

				<p>seeks to introduce only a portion of the interview.</p> <p>Hearsay</p> <p>F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time</p>
P-9	Link to recording of roundtable discussion in which Defendant Krasner participated	5/4/2018		<p>Authenticity and F.R.E 106, to the extent Plaintiffs seeks to introduce only a portion of the interview.</p> <p>Hearsay</p> <p>F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time</p>
P-10	Link to podcast interview given by Defendant Krasner to The Voice of San Diego	5/25/2018		<p>Authenticity and F.R.E 106, to the extent Plaintiffs seeks to introduce only a portion of the interview.</p> <p>Hearsay</p> <p>F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time</p>

Defendants' Objections to Plaintiffs' Exhibit List

P-11	Transcript of podcast interview of Defendant Krasner published by Center for Court Innovation: "Prosecutor Power No. 6: Larry Krasner, The Antagonist"	12/2018	PV-000146-000166 (Mitchell-10)	<p>Authenticity: Defendants objects to the introduction of transcripts or partial transcripts of interviews prepared by unknown individuals.</p> <p>F.R.E 106, to the extent Plaintiffs seeks to introduce only a portion of the interview.</p> <p>Hearsay</p> <p>F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time</p>
P-12	Clips from audio recordings of interviews given by Defendant Krasner to Jacobin Radio, WHYY, WURD, WBUR and The Voice of San Diego	10/7/2017 10/24/2017 10/24/2017 4/18/2018 5/25/2018	PV-000131 (disk and e-mail with clips have been produced)	<p>Authenticity and F.R.E 106, to the extent Plaintiffs seeks to introduce only a portion of the interview.</p> <p>Hearsay</p> <p>F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time</p>
P-13	Memorandum from Kelley Hodge to Members of the DAO, with attached letter from	11/9/2017	WHITEHEAD 030-031	Authentication: the document includes handwritten

Defendants' Objections to Plaintiffs' Exhibit List

	Defendant Krasner to Attorneys and Staff of the DAO			<p>notations from an unknown source.</p> <p>Hearsay</p> <p>F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time</p>
P-14	E-mail from Anna Adams to Arun Prabhakaran et al re: Personnel data	12/7/2017	CITY-LK-001-002	<p>Hearsay</p> <p>F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time Hearsay</p>
P-15	Memo from Arun Prabhakaran to Rachel Mitchell re: Separations	1/5/2018	CITY 0413-414	<p>Hearsay</p> <p>F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time</p>
P-16	Memo from Arun Prabhakaran to Rachel Mitchell re: Separations with handwritten notes	1/5/2018	PV-00087- 00088	<p>Authenticity</p> <p>Hearsay</p> <p>F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time</p>
P-18	List of employee separations	1/12/2018	CITY 621	<p>Defendants object because the description does not match the document identified as bates number City 621.</p>

Defendants' Objections to Plaintiffs' Exhibit List

				Defendants do not know what document is intended to be at P-18
P-19	List of retirees	1/12/2018	CITY 623	Defendants object because the description does not match the document identified as bates number City 623. Defendants do not know what document is intended to be at P-18
P-20	Charts produced by Defendant City in response to Court Order dated 3/2/2020, verified by Rachel Mitchell	3/11/2020 3/16/2020, with verification of Rachel Mitchell dated 3/17/2020	PK-00073- 00079	Defendants object because this bates number does not correspond with any production in this case and Plaintiff did not exchange this document with Defendants. Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time, needlessly presenting cumulative evidence
P-22	Declaration of John P. Delaney, Jr.	10/21/2020	PV-000227- 000233	Hearsay

Defendants' Objections to Plaintiffs' Exhibit List

P-24a	Report of Appointment of Defendant Krasner	1/8/2018	CITY006	Defendants object because the description does not match the document identified as bates number City 006. Defendants will provide substantive objections if Plaintiffs identify the appropriate exhibit they intend to mark.
P-25	Performance Appraisal of Vega	7/8/1993	CITY 0130	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-26	Performance Appraisal of Vega	6/24/1994	CITY 0129	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-27	Performance Appraisal of Vega	7/31/1997	CITY 0126-0127	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-28	Performance Appraisal of Vega	10/1/1998	CITY 0119-0125	Hearsay

Defendants' Objections to Plaintiffs' Exhibit List

				F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-29	Performance Appraisal of Vega	3/31/2000	CITY 0113-0118	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-30	Performance Appraisal of Vega	6/17/2002	CITY 0109-0112	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-31	Performance Appraisal of Vega	6/2/2003	CITY 0107-0108	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-32	Performance Appraisal of Vega	6/28/2004	CITY 0608-0610	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-33	Performance Appraisal of Vega	6/30/2005	CITY 0606-0607	Hearsay F.R.E. 403: unfair prejudice, confusing the

Defendants' Objections to Plaintiffs' Exhibit List

				issues, misleading the jury, wasting time
P-34	Performance Appraisal of Vega	6/1/2006	CITY 0604-0605	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-35	Performance Appraisal of Vega	6/8/2007	CITY 0602-0603	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-36	Performance Appraisal of Vega	6/16/2008	CITY 0599-0601	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-37	Performance Appraisal of Vega	6/1/2009	CITY 0596-0598	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-38	Performance Appraisal of Vega	5/24/2012	CITY 0593-0595	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading

Defendants' Objections to Plaintiffs' Exhibit List

				the jury, wasting time
P-39	Performance Appraisal of Vega	6/14/2013	CITY 0103-0104	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-40	Performance Appraisal of Vega	6/5/2014	CITY 0099-0102	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-41	Performance Appraisal of Vega	5/26/2015	CITY 0096-0098	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-42	Performance Appraisal of Vega	5/26/2016	CITY 0093-0095	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-43	Performance Appraisal of Vega	5/17/2017	CITY 0090-0092	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time

Defendants' Objections to Plaintiffs' Exhibit List

P-44	Letter from District Attorney ("DA") Lynne Abraham to Vega re: merit raise	12/19/1997	CITY 0072	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-45	Letter from DA Lynne Abraham to Vega re: merit increase	6/6/2000	CITY 0070	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-46	Memorandum from DA Lynne Abraham to Vega re: merit raise	11/5/2007	CITY 0068	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-47	Memorandum from DA Lynne Abraham to Vega re: merit raise	9/15/2008	CITY 0066	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-50	Letter from Rachel Mitchell to Vega re: Separation information	1/9/2018	PV-000007- 000008	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-64	Resumés of Vega	undated	PV-000089-	Hearsay

Defendants' Objections to Plaintiffs' Exhibit List

			000090	F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-65	E-mail exchange between Vega, Melissa Piccoli and Brooke Lynn Johnson re: open opportunities, with resumé of Vega	1/10/2018 1/11/2018	PV-000091- 000094	Hearsay
P-66	Letter from Vega to Attorney General ("AG") Joseph Shapiro	2/21/2018	PV-000095	Hearsay
P-67	Letter from Vega to DA Kevin Steele	7/1/2018	PV-000096	Hearsay
P-68	Letter from Vega to DA Thomas Hogan	7/1/2018	PV-000097	Hearsay
P-69	Letter from Vega to DA Katayoun Copeland	7/1/2018	PV-000098	Hearsay
P-70	Letter from Vega to AG Josh Shapiro	1/8/2019	PV-000099	Hearsay
P-71	Letter from Vega to DA Kevin Steele	1/10/2019	PV-000100	Hearsay
P-72	Letter from Vega to DA Thomas Hogan	1/10/2019	PV-000101	Hearsay
P-73	Letter from Vega to DA Katayoun Copeland	1/10/2019	PV-000102	Hearsay
P-74	Letter from Vega to AG Josh Shapiro	12/4/2019	PV-000103	Hearsay
P-75	Letter from Vega to DA Kevin Steele	12/4/2019	PV-000104	Hearsay
P-76	Letter from Vega to DA Thomas Hogan	12/4/2019	PV-000105	Hearsay

Defendants' Objections to Plaintiffs' Exhibit List

P-77	Letter from Vega to DA Katayoun Copeland	12/4/2019	PV-000106	Hearsay
P-78	Letter from Vega to DA Matthew Weintraub	12/4/2019	PV-000107	Hearsay
P-79	Letter from Vega to AG Josh Shapiro	7/17/2020	PV-000142	Hearsay
P-80	Letter from Vega to DA Kevin Steele	7/17/2020	PV-000143	Hearsay
P-81	Letter from Vega to DA Deb Ryan	7/17/2020	PV-000144	Hearsay
P-82	Letter from Vega to DA Jack Stollsteimer	7/17/2020	PV-000145	Hearsay
P-83	Letter from Vega to DA Matthew Weintraub	7/17/2020	PV-000141	Hearsay
P-84	E-mail from John Delaney to Vega re: Thank you!	1/29/2018	PV-000132-000133	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-85	Declaration of Ann Ponterio	9/1/2020	PV-000167-000171	Hearsay
P-86	Declaration of Victoria Power	9/30/2020	PV-000172-000173	Hearsay
P-87	Transcript of trial of Commonwealth v. Ibrahim Muhammed and Nalik Scott	12/13/2016		F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time

Defendants' Objections to Plaintiffs' Exhibit List

P-88	Transcript of trial of Commonwealth v. Muhammed and Scott	12/22/2016		F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-89	Transcript of trial of Commonwealth v. Muhammed and Scott	12/23/2016		F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-90	Opinion of Superior Court of Pennsylvania in Commonwealth v. Scott, 212 A.3d 1094, 2019 PA Super 185	6/11/2019	PV-000174-000192	F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-91	Opinion of Superior Court of Pennsylvania in Commonwealth v. Muhammed, 2019 WL 2432100, with attached Opinion of Honorable Glenn Bronson	6/11/2019 (Superior Court Opinion) 6/12/2017 (Opinion of Judge Bronson)	PV-000193-000221	F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-92	Order of Supreme Court of Pennsylvania in Commonwealth v. Scott, 222 A.2d 383	12/24/2019	PV-000222	F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-93	PHRC Complaint of Vega	6/26/2018	PV-000014-000020	Hearsay
P-101	Expert report of Andrew C. Verzilli with Tables 1 and 2	9/17/2020		Hearsay

Defendants' Objections to Plaintiffs' Exhibit List

P-102	Supplemental expert report of Andrew C. Verzilli with Table 1A	12/16/2021		Hearsay
P-103	Curriculum vitae of Andrew C. Verzilli	undated		Hearsay
P-104	Performance Appraisal of Whitehead	5/14/2009	WHITEHEAD 0196-0197	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-105	Performance Appraisal of Whitehead	5/26/2015	WHITEHEAD 000334-000336	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-106	Performance Appraisal of Whitehead	5/26/2016	WHITEHEAD 000331-000333	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-107	Performance Appraisal of Whitehead	5/11/2017	WHITEHEAD 0198-0200	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-108	Letter from DA Lynne Abraham to Whitehead re: merit promotion and salary increase	8/8/1994	WHITEHEAD 0209	Hearsay F.R.E. 403: unfair prejudice, confusing the

Defendants' Objections to Plaintiffs' Exhibit List

				issues, misleading the jury, wasting time
P-109	Letter from DA Lynne Abraham to Whitehead re: perfect attendance	3/29/1995	CITY0021	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-110	Letter from DA Lynne Abraham to Whitehead re: increase in salary	6/9/1995	WHITEHEAD 0208	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-111	Letter from DA Lynne Abraham to Whitehead re: perfect attendance	6/7/1996	CITY0022	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-112	Letter from DA Lynne Abraham to Whitehead re: merit promotion and salary increase	10/8/1996	WHITEHEAD 0207	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-113	Letter from DA Lynne Abraham to Whitehead re: promotion and salary increase	12/19/1997	WHITEHEAD 0206	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading

Defendants' Objections to Plaintiffs' Exhibit List

				the jury, wasting time
P-114	Letter from DA Lynne Abraham to Whitehead re: merit promotion and salary increase	3/31/1999	WHITEHEAD 0205	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-115	Letter from DA Lynne Abraham to Whitehead re: promotion and merit salary increase	6/6/2000	CITY0018	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-116	Letter from DA Lynne Abraham to Whitehead re: merit increase	8/8/2002	WHITEHEAD 0204	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-117	Memorandum from DA Lynne Abraham to Whitehead re: raise in salary	9/6/2002	WHITEHEAD 0203	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-118	Memorandum from DA Lynne Abraham to Whitehead re: Perfect Attendance Commendation	4/17/2003	CITY 0023	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time

Defendants' Objections to Plaintiffs' Exhibit List

P-119	Memorandum from DA Lynne Abraham to Whitehead re: merit increase	8/11/2003	WHITEHEAD 0202	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-120	Memorandum from DA Lynne Abraham to Whitehead re: Perfect Attendance Commendation	5/17/2004	CITY 0024	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-121	Memorandum from DA Lynne Abraham to Whitehead re: merit increase	10/21/2005	WHITEHEAD 0201	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-122	Memorandum from DA Lynne Abraham to Whitehead re: Perfect Attendance Commendation	1/10/2008	CITY 0025	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-123	Memorandum from DA Lynne Abraham to Whitehead re: Perfect Attendance Commendation	6/6/2009	CITY 0026	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-134	Letter from Whitehead to Defendant Krasner	1/2/2018	WHITEHEAD 180	Hearsay

Defendants' Objections to Plaintiffs' Exhibit List

P-135	Payroll Master Record for Whitehead	1/8/2018	WHITEHEAD 0008	
P-136	Leave Balance for Whitehead	1/8/2018	CITY 0009	
P-137	Letter from Rachel Mitchell to Whitehead	1/10/2018	WHITEHEAD 025-026	Hearsay
P-138	E-mails from Deborah Hoffman to Whitehead and Whitehead to Rachel Mitchell	1/10/2018 1/11/2018	CITY 0010	Hearsay
P-145	Resumé of Whitehead	undated	WHITEHEAD 175-176	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-146	E-mail exchange between Whitehead and Sozi Tulante	1/8/2018 and 1/18/2018	WHITEHEAD 177	Hearsay
P-147	E-mail exchange between Whitehead and Richard Ross	1/8/2018	WHITEHEAD 178	Hearsay
P-150	Letter from Whitehead to Delaware County District Attorney's Office with attached resumé	12/18/2019	WHITEHEAD 181-183	Hearsay
P-151	Letter from Whitehead to Pennsylvania Office of Attorney General with attached resumé	12/18/2019	WHITEHEAD 184-186	Hearsay
P-152	Letter from Whitehead to Montgomery County District Attorney's Office with attached resumé	12/18/2019	WHITEHEAD 187-189	Hearsay
P-153	Letter from Whitehead to Bucks County District	12/18/2019	WHITEHEAD	Hearsay

Defendants' Objections to Plaintiffs' Exhibit List

	Attorney's Office with attached resumé		0190-0192	
P-154	Letter from Whitehead to William McSwain, United States Attorney, with attached resumé	12/19/2019	WHITEHEAD 0193-0195	Hearsay
P-155	Graduation ceremony videos	Undated		Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-156	PHRC Complaint of Whitehead	6/26/2018	WHITEHEAD 055-062	Hearsay F.R.E. 403: unfair prejudice, confusing the issues, misleading the jury, wasting time
P-163	Expert report of Andrew C. Verzilli with Table 1	9/17/2020		Hearsay
P-164	Curriculum vitae of Andrew C. Verzilli	undated		Hearsay
P-165	Deposition transcript of Lawrence Krasner	9/16/2020		Hearsay Fed. R. Civ. P. 32
P-166	Deposition transcript of Brian Zarallo	6/25/2020		Hearsay Fed. R. Civ. P. 32
P-167	Deposition transcript of Jennifer Selber	7/9/2020		Hearsay Fed. R. Civ. P. 32
P-168	Deposition transcript of Michael Giampietro	9/8/2020		Hearsay Fed. R. Civ. P. 32.

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P-169	Deposition transcript of Rachel Mitchell	8/28/2020		Hearsay Fed. R. Civ. P. 32
P-170	Deposition transcript of Arun Prabhakaran	9/1/2020		Hearsay Fed. R. Civ. P. 32.
P-171	Deposition transcript of Carlos Vega	10/15/2020		Hearsay
P-172	Deposition transcript of Joseph Whitehead, Jr.	10/19/2020		Hearsay